

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BAHIG F. BISHAY,)
Plaintiff,)
v.) C.A. No. 10-CV-11717-NG
THE COMMONWEALTH OF)
MASSACHUSETTS,)
Defendant.)

Allens, w/o prejudice. 12/13/10

DEFENDANT'S MOTION TO DISMISS

The plaintiff, Bahig F. Bishay (“Bishay”) filed this complaint against the Commonwealth of Massachusetts (the “Commonwealth”), seeking declaratory judgments that the Commonwealth violated Bishay’s due process rights, and that the Commonwealth’s actions “were deliberate and caused quantifiable financial harm.” *See generally* Complaint. All of Bishay’s claims against the Commonwealth are barred. Claims against the Commonwealth itself are barred by the Eleventh Amendment. Even if the claims were styled as a claim under 42 U.S.C. § 1983, it would still be improper against the Commonwealth, which is not a “person” for purposes of the statute. To the extent that Bishay’s claims actually target a number of state court judges, as it appears, the claims are barred by judicial immunity. For these and other reasons, the complaint fails to state a claim on which relief can be granted. Accordingly, the Commonwealth moves to dismiss the complaint in its entirety.